

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

6

WESLEY

-v-

CITY OF NEW YORK, et al

U.S.C.A. #

U.S.D.C. #

JUDGE:

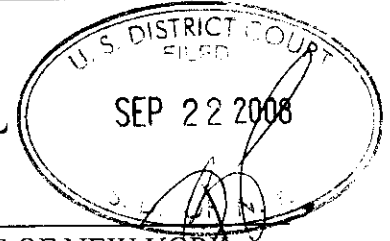
DATE:

08-cv-7132

KMW

SEPTEMBER 22, 2008

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME): THOMAS R. PISARCZYK
FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK
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NEW YORK, NEW YORK 10007
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.
for the Second Circuit on the 22ND Day of September, 2008.

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SOUTHERN DISTRICT OF NEW YORK**

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Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

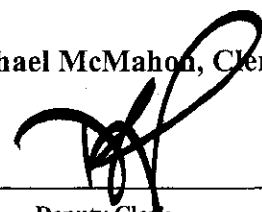
Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 22ND Day of September In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 233RD year.

J. Michael McMahon, Clerk

By _____


Deputy Clerk

APPEAL, CLOSED, PRO-SE

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:08-cv-07132-KMW
Internal Use Only

Wesley v. City of New York et al
Assigned to: Judge Kimba M. Wood
Demand: \$9,999,000
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 08/11/2008
Date Terminated: 08/11/2008
Jury Demand: Plaintiff
Nature of Suit: 555 Prisoner: Prison Condition
Jurisdiction: Federal Question

Date Filed	#	Docket Text
08/11/2008	1	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Michael Donnel Wesley.(mbe) (Entered: 08/25/2008)
08/11/2008	2	COMPLAINT against Brian Riorodam, New York City Department of Correction, Department of Probation, New York City Department of Correction Central Office Review Committee, John Antonell, Linda LaGreca, Clyton Eastwood, Jacaulin Thomas Andrew, Board of Correction, Board Members, Stanley Kreitman, Rose Marie Moldonado, Paul A. Vallone, Milton L. Williams, Jr, Richard M. Nahman, Kenneth Armstend, Alexander Root, Gwen L. Zurnberg, Michael J. Regan, Hildy J. Simmons, City of New York, Cathy Potler, Richard J. Wolf, Canino, Garcia, Ruff, Bilboa, Dommis, Williams, Emmanuel A. Bailey. Document filed by Michael Donnel Wesley.(mbe) (Entered: 08/25/2008)
08/11/2008		SUMMONS ISSUED as to Brian Riorodam, New York City Department of Correction, Department of Probation, New York City Department of Correction Central Office Review Committee, John Antonell, Linda LaGreca, Clyton Eastwood, Jacaulin Thomas Andrew, Board of Correction, Board Members, Stanley Kreitman, Rose Marie Moldonado, Paul A. Vallone, Milton L. Williams, Jr, Richard M. Nahman, Kenneth Armstend, Alexander Root, Gwen L. Zurnberg, Michael J. Regan, Hildy J. Simmons, City of New York, Cathy Potler, Richard J. Wolf, Canino, Garcia, Ruff, Bilboa, Dommis, Williams, Emmanuel A. Bailey. (mbe) (Entered: 08/25/2008)
08/11/2008		Magistrate Judge Frank Maas is so designated. (mbe) (Entered: 08/25/2008)
08/11/2008	3	ORDER OF DISMISSAL Accordingly, plaintiff seeks to proceed in forma pauperis pursuant to 28 U.S.C. 1915. I direct the Clerk of Court to assign a docket number to this action, but dismiss the complaint for the following reasons. The complaint, is dismissed for failure to allege that plaintiff is under imminent danger or serious physical injury. The Clerk of this Court is directed to collect the \$ 350.00 filing fee from plaintiff in accordance with the Prison Litigation Reform Act of 1995. Plaintiff continues to be barred from filing any civil action in the federal courts under the informa pauperis statute while he is a prisoner, unless his allegations bring his complaint within the terms of the statute's "imminent danger" exception. The Court certifies under 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. SO ORDERED. (Signed by Judge Kimba M. Wood on 8/11/2008) (mbe) (Entered: 08/25/2008)
08/11/2008	A	JUDGMENT. Ordered, Adjudged and Decreed: That the complaint be and is hereby dismissed. 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 8/11/2008) (mbe) (Entered: 08/25/2008)
09/04/2008	5	NOTICE OF APPEAL from 4 Judgment - Sua Sponte (Complaint), 3 Order Dismissing Complaint (I.F.P.). Document filed by Michael Donnel Wesley. Copies mailed to attorney(s) of record: Corporation Counsel.(tp) (Entered: 09/19/2008)
09/04/2008		Appeal Remark as to 5 Notice of Appeal filed by Michael Donnel Wesley. \$455.00 APPEAL FEE DUE. IFP REVOKED 8/11/08. (tp) (Entered: 09/19/2008)
09/19/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 5 Notice of Appeal. (tp) (Entered: 09/19/2008)
09/19/2008		Transmission of Notice of Appeal to the District Judge re: 5 Notice of Appeal. (tp) (Entered: 09/19/2008)